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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,166	04/08/2004	Scott Allen Moeller	921142-96499	9255

7590 06/09/2005

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EXAMINER

ASINOVSKY, OLGA

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,166

Applicant(s)

MOELLER ET AL.

Examiner

Olga Asinovsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/08 & 9/13/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 7-12, 14, 16, 18, 19, 21, 23 and 44-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Hatfield et al U.S Patent 6,184,285.

Hatfield discloses hot melt adhesive composition comprising a blend of a styrene-butadiene (SB) block copolymer containing greater than 25wt.% styrene, and a styrene-isoprene (SI) block copolymer containing greater about 25 wt.% styrene, a tackifying resin and plasticizing oil, col. 2, lines 56-66. The SB-block copolymer can be present in the amount of about 5 to about 20wt.%. The SI-block copolymer can be present in the amount of about 5 to about 20 wt.%, col. 3, lines 8-15. The tackifying resin can be aromatic modified terpene resin having softening point from about 60 C to 130 C, col. 4, lines 13-14, 27-28 and 31-58. The tackifying resin can be present in the amount from about 40 to about 65 parts by weight of the hot melt adhesive composition. The plasticizer includes a paraffinic oil that can be present in the amount of 10 to 30 parts by weight of the hot melt adhesive composition, col. 4, lines 42-54. The chemical formulation of the hot melt adhesive composition in Hatfield invention is readable in the present claims. The content of the ingredients are within the range of the amount

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specified in the present claims. The hot melt adhesive can be applied to a polyolefin or nonwoven substrate, col. 5, lines 32-42.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-3, 5-6, 13, 15, 17, 20, 24-43 and 50-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatfield et al U.S. Patent 6,184,285 as applied to claims 1, 4, 7-12, 14, 16, 18, 19, 21, 23 and 44-49 above, and further in view of Sasaki et al U.S. Patent 5,663,228.

Hatfield does not disclose antioxidant for the present claim 2, high amount of styrene-isoprene block copolymer in an adhesive composition for the present claims 5-6, and a single glass transition temperature for the present claims 24, 33, 50.

Sasaki'228 discloses the analogous pressure-sensitive adhesive composition comprising SB-block copolymer, SI block copolymer tackifier and plasticizer oil, abstract, col. 6, lines 57-58, col. 8, line 14 and 34. The adhesive composition can include antioxidant, col. 3, line 62. Also, the elastomeric composition can form a single peak (FIG.3), col. 6, lines 35.

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It would have been obvious to one of ordinary skill in the art to modify the adhesive composition in Hatfield by including antioxidant as teaching by Sasaki'228, and to consider that the adhesive composition in Hatfield can also have a single peak of Tg in light of Sasaki teaching, because both references disclose analogous composition and a single Tg can be controlled by the selected tackifier (having desired softening point) and that said tackifier is preferably soluble in the polyisoprene component in the SI-block copolymer, and to control the amount of said SI block copolymer.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art has been considered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Asinovsky whose telephone number is 571-272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

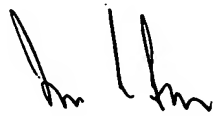
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Olga Asinovsky
Examiner
Art Unit 1711

OK
June 2, 2005



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700